

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application, as presently amended, in light of the remarks in this paper. Claims 1-18 have been rejected. Claims 19-24 have been withdrawn previously. Claims 1, 4, 7, 10, 13, and 16 are presently amended. No claims are presently cancelled or added. Thus, claims 1-18 are pending.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 4, 7, 10, 13, and 16 stand rejected under 35 U.S.C. § 103 as unpatentable over Yuasa, et al. (U.S. Patent No. 6,085,238, “Yuasa”) in light of Wright, et al. (U.S. Patent No. 6,442,598, “Wright”).

Applicants note Examiner’s reference to Wright teaches multicast scheduling, wherein the implied timescale derives from an end user human’s ability to respond to a forecast schedule and thereby plan a future activity, such as viewing a multicast media content scheduled to occur in the future. In contrast, the references in the claims of the present invention to “timing” refer a timescale that derives from the frequency at which a device transmits packets from a device onto a network. By its very nature, a timescale derived from the frequency at which packets are transmitted from a device is much smaller than a timescale at which an end user human can respond to a schedule and plan a future activity.

“Varying a timing” may control and/or reduce network congestion by transmitting packets of information only when a receiving device is ready to receive the packets. In contrast, “multicast scheduling” may allow dissemination of information to multiple end

users at a forecast time. Further, because the very nature of “multicast scheduling” is distinguished from the very nature of “varying a timing”, any combination of Wright with Yuasa lacks the limitations of the present invention that include “varying a timing”. Thus, because Claims 1, 4, 7, 10, 13, and 16 include “varying a timing” as a limitation, Applicants respectfully submit Examiner’s rejection to Claims 1, 4, 7, 10, 13, and 16 has been successfully overcome.

However, to further distinguish the present invention, Claim 1 has been amended.

Amended Claim 1 reads

dividing target devices to which a message is targeted into subsets of target devices, wherein a subset to which a particular device belongs is determined based on an identifier of the device and a number of subsets to which the target devices are divided;
communicating a second message to the respective subsets of targeted devices; and
varying a timing with which the second message is communicated to the respective subsets of target devices.

Both Yuasa and Wright fail to disclose at least “communicating a second message to the respective subsets of targeted devices,” as recited in Claim 1. Claims 4, 7, 10, 13, and 16 incorporate a similar limitation. Thus, any combination of Yuasa and Wright lacks this element, rendering the present invention non-obvious in light Yuasa and Wright. Therefore, Applicants respectfully submit Examiner’s rejection to Claim 1 has been overcome. Because Claims 4, 7, 10, 13, and 16 incorporate limitations similar to Claim 1, Applicants likewise respectfully submit Examiner’s rejection to Claims 4, 7, 10, 13, and 16 have similarly been overcome by the amendment.

Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. § 103 in light of Yuasa, Wright and Iwamura, et al. (U.S. Patent No. 6,396,814, "Iwamura").

Similar to Yuasa and Wright, Iwamura fails to disclose at least "varying a timing" and "communicating a second message to the respective subsets of targeted devices," limitations included either expressly or by reference in Claims 1-18. Claims 1, 4, 7, 10, 13, and 16 expressly incorporate "varying a timing" and "communicating a second message to the respective subsets of targeted devices."

Claims 2 and 3 incorporate the limitations of Claim 1; Claims 5 and 6 incorporate the limitations of Claim 4; Claims 8 and 9 incorporate the limitations of Claim 7; Claims 11 and 12 incorporate the limitations of Claim 10; Claims 14 and 15 incorporate the limitations of Claim 13; and Claims 17 and 18 incorporate the limitations of Claim 16 by dependence. Because any combination of Yuasa, Wright, and Iwamura lacks the referenced limitations, Applicants respectfully submit the present invention is non-obvious in light of any combination of Yuasa, Wright and Iwamura. Thus, Applicants respectfully submit Examiner's rejections to Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17, and 18 have been overcome.

Conclusion

For at least the foregoing reasons, Applicants submit that the Examiner's rejections have been overcome. Therefore, claims 1-18 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present

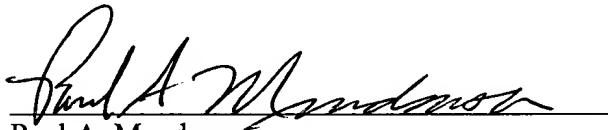
Application No. 09/746,677
Amendment dated May 4, 2005
Response to Office Action of January 4, 2004

Atty. Docket No. 042390.P9701
Examiner Thu Ha T Nguyen
TC/A.U. 2155

application. Please charge any shortages and credit any overcharges to our Deposit
Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: May 4, 2005

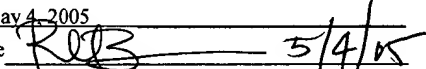

Paul A. Mendonsa
Attorney for Applicant
Reg. No. 42,879

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778

I hereby certify that this correspondence is being deposited with the United States Postal
service as first class mail with sufficient postage in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

On: May 4, 2005

Signature


Rachael Brown

Date 5/4/05